

Sunset Public Hearing Questions for
Private Probation Services Council
Created by Section 16-3-901, *Tennessee Code Annotated*
(Sunset termination June 2017)

1. Provide a brief introduction to the council, including information about its purpose, statutory duties and staff.

The purpose of the Private Probation Services Council is to ensure that uniform professional and contract standards are practiced and maintained by private corporations, enterprises and entities engaged in rendering general misdemeanor probation supervision, counseling and collection services to the courts. The administrative office consists of five licensing staff members, one administrative manager and an executive director from the state entity to which the council is attached. The duties of the council are to provide oversight of private entities; promulgate uniform professional standards and uniform contract standards for private entities; establish forty (40) hours of orientation for new private probation officers and twenty (20) hours of annual continuing education; promulgate rules and regulations regarding noncompliance with the uniform professional standards and uniform contract standards; promulgate rules and regulations requiring periodic registration of all private entities; publish an annual summary report; and promulgate rules and regulations requiring criminal records checks of all private probation officers.

2. Provide a list of the council members and describe how membership complies with Section 16-3-905, *Tennessee Code Annotated*. Are there any vacancies on the council? If so, what is being done to fill those vacancies?

<u>Name</u>	<u>Sex</u>	<u>Minority</u>	<u>Criteria</u>
Judge Chris Craft	M	No	Criminal Court Judge
Judge John Hudson	M	No	Gen. Sessions Judge
Judge Klyne Lauderback	M	No	Gen. Sessions Judge
Judge Hugh Harvey	M	No	Gen. Sessions Judge
Stancil Ford	M	No	County Commission
David Nimmo	M	No	Probation Officer/Expert
Linda Byford	F	No	Probation Officer/Expert

Tenn. Code Ann. §16-3-905 requires a council consisting of seven voting members: one criminal court judge, three general sessions court judges, one county commissioner, one publicly employed probation officer, and one private probation officer or individual with

expertise in private probation service by virtue of training or employment. There are no vacancies on the council at this time.

3. Does the council's membership include public / citizen members? Female members? Members of racial minorities? Members who are 60 years of age or older at the time of appointment?

Currently, Lynda Byford serves as the only female and the only public member; she works as a publicly employed probation officer. There are no racial minorities. There are at least four individuals over the age of 60 on the council.

4. How many times has the council met in fiscal years 2015 and 2016? How many members were present at each meeting?

- Two meetings in 2015 (April: 7 members present, June: 6 members present)
- Three meetings in 2016 (December: 6 members present, March: 7 members present, June: 6 members present)

5. What per diem or travel reimbursement do members receive? How much was paid to council members during fiscal years 2015 and 2016?

Members receive travel reimbursement at the State rate for hotels, a fixed amount for meals, and return trip mileage. No amounts were paid to council members for travel occurring during fiscal years 2015 and 2016.

6. What were the council's revenues and expenditures for fiscal years 2015 and 2016? Does the council carry a reserve fund balance and, if so, what is the total of that reserve fund balance?

2015- revenues \$127,00; expenditures \$25,488; reserve fund \$590,749

2016- revenues \$116,607; expenditures \$52,384; reserve fund \$654,973

7. Is the council subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the council have for informing the public of its meetings and making its minutes available to the public?

The council is subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes. The Commission posts to its website notice of all meetings and a copy of the agenda for each meeting prior to each meeting. Each such notice is also posted to the website of the Regulatory Boards Division prior to the meeting. Minutes are

available upon request; however, videos of all meetings – unless such video is unavailable – are made available through Youtube.

8. What policies and procedures does the council have in place to address potential conflicts of interest by committee members, staff, and employees?

The council has policies in place to address potential conflicts of interest by council members, employees, or other state employees who work with the council in any capacity. The Department of Commerce and Insurance collects a conflicts of interest statement from each member of the council on an annual basis and each member is subject to Executive Order 20 regarding Conflicts of Interest for Executive Branch employees, as well as the prohibitions regarding lobbyists pursuant to Title 3, Chapter 6, Part 3. Compliance with Section 68-115-103(i) is ensured because Departmental staff attends all minutes of the meeting and ensures that a quorum is present prior to commencing any official action. Compliance with Section 68-115-103(j) is done through the required reporting of conflicts by council members. Further, any information indicating that a violation of that section is occurring would be reviewed by the Department and notification made to appropriate parties if such a violation is found.

9. What reports does the council prepare on its operations, activities, and accomplishments, and who receives those reports?

Minutes of each meeting are prepared and read into the record at the next meeting. These minutes are later published to the State Private Probation Services Council website for the public. The Department also prepares monthly and year-end financial reports, which include revenues and expenditures. The reports are presented to the council for review.

10. Has the council promulgated rules and regulations as allowed in Section 16-3-909, *Tennessee Code Annotated*? If so, please cite the reference.

Yes, the council has promulgated rules, which can be found at Tenn. Comp. R. and Regs. Chapters 1177-01, 1177-02, and 1177-03.

11. What were the major accomplishments of the council during fiscal years 2015 and 2016?

There were two major accomplishments:

- a. Creation of a code of professional conduct to ensure registrants conduct business in a professional manner. This code prohibits registrants from giving any false impression of arrest authority, or engaging in harassment or discrimination; and
- b. Lower fees for licensees: The council held a rulemaking hearing in March 2016 and passed rules which lowered the quarterly provider fee from \$1.00 per probationer to \$.75 per probationer. This fee reduction went into effect on November 20, 2016.

12. Has the council developed and implemented quantitative performance measures for ensuring it is meeting its goals? What performance indicators or goals does management use to measure the effectiveness and efficiency of the council? How well has the council performed based on those performance measures?

Yes, the Department of Commerce and Insurance Regulatory Boards Division has implemented quantitative performance measures for all programs attached to the Division, including metrics for licensing and for case and complaint handling.

Beginning October 1, 2016, our key performance measures require 90% of complaints to reach clock-stopping action within 180 days of the complaint being filed with the council. These performance measures also require a reduction in the amount of time it takes initial licenses to be processed in the Division's CORE system (a licensing and enforcement database and monitoring system), which had metrics of 85% and 88% for 2014 and 2015 respectively. Clock-stopping actions are those that, generally, indicate that the complaint has been reviewed, investigated, and identified to either move forward, be closed, or be stayed pending other action.

The council maintained metric performance of approximately 100% during 2014 and 2015. The metric as of date is 83%, which is generally due to a low volume of complaints during the metric reporting. There are currently seven complaints reported in this metric, six of which met the metric performance standard.

13. Describe any items related to the council that require legislative attention and your proposed legislative changes.

None.

14. Should the council be continued? To what extent and in what ways would the absence of the council endanger the public health, safety or welfare?

Private probation companies provide services to counties in order to allow probationers to obtain private services for rehabilitation in lieu of incarceration. Outside of private probation companies, the only available probation supervisory mechanism would be for the local counties or municipalities to provide such services through tax revenue.

If the council does receive federal assistance, please answer questions 15 through 22. If the council does not receive federal assistance, proceed directly to question 21.

15. Does your council prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

The council is a part of the Department of Commerce and Insurance. The Department of Commerce and Insurance prepares a Title VI Implementation Plan annually, in

accordance with the guidelines of the Tennessee Human Rights Commission. A copy of the plan is included as Attachment B.

16. Does your council have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

The Title VI Compliance Coordinator for the Department of Commerce and Insurance is Maliaka Bass, Deputy General Counsel for General Civil, (615) 741-9594.

17. To which state or federal agency (if any) does your council report concerning Title VI? Please describe the information your council submits to the state or federal government and/or provide a copy of the most recent report submitted.

The Department of Commerce and Insurance is required to file an annual Title VI Implementation Plan on or before October 1 with the Tennessee Human Rights Commission.

18. Describe your council's actions to ensure that council staff and clients/program participants understand the requirements of Title VI.

The Department of Commerce and Insurance provides annual Title VI training to all employees, council members and sub recipients.

19. Describe your council's actions to ensure it is meeting Title VI requirements. Specifically, describe any council monitoring or tracking activities related to Title VI, and how frequently these activities occur.

The council members and office staff are annually trained in Title VI compliance expectations. Telephone-based interpreter service is available for customers who are limited English proficient. Data regarding the use of the service is regularly collected and reported in the annual Title VI Implementation Plan. Any Title VI complaints received are required to be reported immediately to the Title VI Compliance Coordinator for investigation. All complaints are reported by the Title VI Compliance Coordinator to management of the Department of Commerce and Insurance, as well as to the Tennessee Human Rights Commission.

20. Please describe the council's procedures for handling Title VI complaints. Has your council received any Title VI-related complaints during the past two years? If yes, please

describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

The procedure used by the Department of Commerce and Insurance in handling Title VI complaints is outlined in the Department's annual Title VI Implementation Plan. No Title VI-related complaints have been received in the past two years regarding the Private Probation Services Council.

21. Please provide a breakdown of current council staff by title, ethnicity, and gender.

Administrative Staff

2 Caucasian Females

1 African American Female

1 Caucasian Male

1 Other Female

Administrative Manager

1 Caucasian Male

Executive Director

1 Hispanic Female

22. Please list all council contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

None.